Corruption in Judiciary

1578. SHRI P. PRABHAKAR REDDY: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government's attention has been drawn to the news-item captioned, "Chief Justice admits to graft in Judiciary", which appeared in the Hindustan Times, dated the 17th February, 2002;

(b) if so, Government's reaction thereto; and

(c) the steps proposed to be taken to address the problem of prevailing corruption in the Judiciary highlighted in the report?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) yes, Sir.

(b) and (c) The Hon'ble Chief Justice of India on 23rd December, 2001 at a joint conference organized by the bar Council of India and the State bar Council of Kerala *inter-alia* stated:

> "...I have said it before and I will say it again: in my opinion, more than 80% of the Judges in this country, across the board, are honest and incorruptible. It is that smaller percentage that brings the entire judiciary into disrepute. To make it known that the judiciary does not tolerate corruption in its ranks, it is requisite that corrupt Judges should be investigated and dismissed from service. This is very much possible in the case of subordinate judiciary because disciplinary control lies with the High Court. It is difficult where the higher judiciary is concerned because the only recourse in law is impeachment, whcih is a cumbersome process and which, as a recent instance showed, may not achieve the desired result for reasons that are political. The Supreme Court and the High Court have attempted to evolve an informal procedure to meet the situation, but it is yet to be tested."

Under article 235 of the Constitution of India, the administrative control over the members of subordinate Judicial Service vests with the concerned High Court, in exercise of powers conferred under proviso to article 309 read with articles 233 and 234 of the Constitution, the State Government frames rules and regulations in Consultation with the High Court exercising jurisdiction in relation to

such State. The members of the State Judicial Service are governed by these rules and regulations.

With regard to corruption in higher judiciary, articles 124(4) and 217(1) of the Constitution of India provide that a Judge of the Supreme Court/High Court may be removed on the ground of proved misbehaviour or incapacity in accordance with the procedure laid down in the Constitution.

Pending cases in various Courts

1579. SHRI K. RAHMAN KHAN: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that measures, so far, taken to clear the huge arrears of pending cases in various courts in the country, have not yielded the desired results;

(b) if so, the present situation of such cases, State-wise; and

(c) whether Government propose to consider amendments to the existing laws to ensure early dispensation of justice?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITELY): (a) No, Sir. The pendency of cases in the Supreme Court of India has registered a substantial decline, from 1,04,936 cases as on 31.12.1991 to 58,794 cases as on 1.1.1994 and to 22,551 cases as on 22.2.2002. Thus, the Supreme Court has already brought down its pendency to a manageable level.

However, similar measures underway in the High Courts have yet to yield resutls in respect of pendency of cases in the High Courts, where over 35 lakh cases are pending as on date. The pendency in Subordinate/District Judiciary has stabilized at the level of around 2. crore cases due to various measures adopted including implementation of directions of the Supreme Court in various cases like Common Cause vs Union of India and other & R.D. Upadhyay *Vs* State of Andhra Pradesh and others.

(b) As per latest available information, the position of pendency of cases State-wise in the Subordinate Judiciary is at the Statement (*See* below)

(c) Both the Government and Judiciary have endeavoured constantly to bring about improvements in the functioning of courts